

AMENDED IN SENATE JANUARY 23, 2006

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 371

Introduced by Senators Torlakson and Runner

February 17, 2005

~~An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts: relating to public contracts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 371, as amended, Torlakson. Public contracts: design-build contracting: transportation entities.

~~(1) Existing~~

Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law also authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design-build basis. Existing law, until January 1, 2007, authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures.

~~This bill would authorize, until January 1, 2011, certain state and local transportation entities to use a design-build process for bidding on highway construction projects, as specified. This bill would establish a procedure for submitting bids that includes a requirement that design-build entity bidders provide certain information in a questionnaire~~

~~submitted to the transportation entity that is verified under oath. Because a verification under oath is made under penalty of perjury, the bill would, by requiring a verification, create a new crime and thereby impose a state-mandated local program. The bill would require these transportation entities to report to the Legislature regarding implementation of the design-build process. This bill would also state the intent of the Legislature that a transportation entity implement a labor compliance program for design-build projects~~ *declare the intent of the Legislature to enact legislation that would develop an alternative and optional procedure for bidding on highway, bridge, tunnel, or public transit construction projects in the jurisdiction of any county, local transportation authority, as defined, or local or regional transportation entity, as provided, and would authorize the Department of Transportation to develop an alternative bidding procedure for highway, bridge, or tunnel projects on the state highway system.*

~~(2) This bill would require the Legislative Analyst to conduct a preproject and postproject audit of each project and to compare them to similar design-bid-build or design sequencing projects and report the results to the Legislature, as provided.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~*no*. State-mandated local program: ~~yes~~*no*.

The people of the State of California do enact as follows:

- 1 *SECTION 1. It is the intent of the Legislature to enact*
- 2 *legislation that would do both of the following:*
- 3 *(a) Develop an alternative and optional procedure for bidding*
- 4 *on highway, bridge, tunnel, or public transit construction projects*
- 5 *in the jurisdiction of any county, any local transportation authority*
- 6 *designated pursuant to Division 19 (commencing with Section*
- 7 *180000) of the Public Utilities Code, or any local or regional*
- 8 *transportation entity that is designated by statute as a regional*
- 9 *transportation agency.*

1 ***(b) Authorize the Department of Transportation to develop an***
2 ***alternative bidding procedure for highway, bridge, or tunnel***
3 ***projects on the state highway system.***

4 ~~SECTION 1. Article 6.9 (commencing with Section 20209.20)~~
5 ~~is added to Chapter 1 of Part 3 of Division 2 of the Public Contract~~
6 ~~Code, to read:~~

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9 **All matter omitted in this version of the bill appears**
10 **in the bill as amended in the Senate, April 26, 2005.**
11 **(JR11)**
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